

## **REMARKS**

### **Summary of the Office Action**

Claims 10, 3-5, 12 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta et al. (U.S. Patent Application Publication No. 2003/0034496) (hereinafter “Yoneta”) in view of Minami et al. (U.S. Patent Application Publication No. 2002/0176158) (hereinafter “Minami”), Albagli et al. (U.S. Patent Application Publication No. 2005/0072931) (hereinafter “Albagli”), and Yoshida et al. (U.S. Patent No. 5,386,122) (hereinafter “Yoshida”).

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta as modified by Minami, Albagli, and Yoshida, as applied to claim 1 above, and further in view of Allison (U.S. Patent No. 3,748,546) (hereinafter “Allison”).

### **Summary of the Response to the Office Action**

Applicants have added new independent claim 16 to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 2-5, 10, 12, 14 and 16 are currently pending for consideration.

### **Rejections under 35 U.S.C. § 103(a)**

Claims 10, 3-5, 12 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta in view of Minami, Albagli, and Yoshida. Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta as modified by Minami, Albagli, and Yoshida, as applied to claim 1 above, and further in view of Allison.

Acknowledgement of a Claim for Priority and of receipt of a certified copy of the instant application's priority document (Japanese Patent Application No. P2003-087894, which was filed in Japan on March 27, 2003) was made by the Examiner at page 1, section 12 of the Office Action dated June 27, 2008. Pursuant to 37 C.F.R. § 1.55(a), Applicants submit concurrently herewith a verified translation of Japanese Patent Application No. P2003-087894. The effective U.S. filing date under 35 U.S.C. § 102(e) of Albagli is October 6, 2003, which is after the priority date to which this application is entitled.

Accordingly, Applicants respectfully submit that Albagli should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102. As all of the rejections under 35 U.S.C. § 103(a) apply Albagli, withdrawal of all of these rejections is thus respectfully requested.

Applicants have added new independent claim 16 to differently describe embodiments of the disclosure of the instant application. Applicants respectfully submit that newly-added claim 16 is also allowable over the applied art of record at least because none of the applied references, whether taken separately or combined, teach or even suggest the advantageous combination of features described in newly-added independent claim 16 of the instant application. Applicants respectfully submit that this combination of features of independent claim 16 is discussed, for example, at paragraphs [0101] and [0105] of the specification of the instant application.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the

pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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By:



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